

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**FORD'S MOTION TO FILE
DOCUMENTS UNDER SEAL**

NOTE ON MOTION CALENDAR:
March 20, 2015

Pursuant to Local Civil Rule (5)(g), Ford Motor Company ("Ford") respectfully moves the Court for an order authorizing Ford to file under seal:

- (a) Ford's Trial Brief;
- (b) Exhibit 01 to the Declaration of Rebecca Izzo ("Izzo Declaration") submitted in support of Ford's Trial Brief.

The material Ford seeks to file under seal is listed below. These documents contain sensitive business and financial information that Ford and/or Plaintiffs consider proprietary and confidential. To minimize the amount of sealed material, a redacted version of Ford's Trial Brief will be filed publicly.

FORD'S MOTION TO FILE
DOCUMENTS UNDER SEAL - 1
No. 3:11-cv-05503-BHS

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1 **1. Ford's Trial Brief.**

2 Ford's Trial Brief cites, paraphrases, or quotes directly from documents
3 described below containing business and financial information that Ford
4 and/or Plaintiffs have designated "Confidential" or "Highly
 Confidential" under the parties' Confidentiality Agreement.

5 **2. Izzo Declaration Exhibit 01:** Excerpts from the Supplemental Rebuttal
6 Expert Report and Disclosure of Julie Davis, dated February 20, 2015.

7 Ms. Davis' supplemental report contains highly confidential financial
8 information regarding Ford's revenue on SYNC and APA.

9 Ford has attempted to confer with Plaintiffs regarding these matters in accordance with
10 LCR 5(g)(3)(A). Specifically, Ford's counsel Rebecca Izzo attempted to confer by email with
11 Plaintiffs' counsel, including Jordan Connors and Lindsay Calkins, on March 6, 2015. The
12 parties will confer further before this motion is heard to ensure compliance with LCR
13 5(g)(3)(A) and determine redactions to Ford's Trial Brief to be filed publicly.

14 Open discovery is favored in this district, and there is a presumption of access to
15 publically filed documents. LCR 5(g). The confidential and sensitive nature of the material
16 discussed in these documents, however, is good cause to keep the documents under seal. *See*
17 *Myhrvold v. Lodsys Grp., LLC*, C13-1173 RAJ, 2013 WL 5488791, at *4 (W.D. Wash. Sept.
18 27, 2013) (party must show good cause to keep documents under seal); LCR 5(g)(2); *EEOC v.*
19 *Fry's Elecs., Inc.*, No C10-1562RSL, 2012 WL 1642305, at *5 (W.D. Wash. May 10, 2012)
20 (finding good cause for sealing personnel records of third parties); *Boucher v. First Am. Title*
21 *Ins. Co.*, No. C10-199RAJ, 2011 WL 5299497, *5 (W.D. Wash. Nov. 4, 2011) (finding good
22 cause and granting motion to seal a party's competitively sensitive licenses with a third party;
23 noting that redactions were limited to very specific portions of documents). Ford therefore
24 respectfully requests that Court authorize the filing under seal of Ford's Trial Brief and Exhibit
25 01 to the Izzo Declaration.

1 DATED: March 6, 2015

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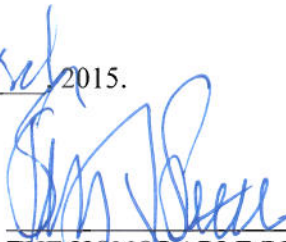
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Attorneys for Defendant Ford Motor Company

1 **IT IS SO ORDERED.**

2 Dated this 26 day of March 2015.

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5 THE HONORABLE BENJAMIN H. SETTLE
6 United States District Judge
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